



WILLIAM T FUJIOKA
Chief Executive Officer

County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration
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"To Enrich Lives Through Effective And Caring Service"

Board of Supervisors
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September 16, 2014

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**DEPARTMENT OF PUBLIC WORKS:
HELEN KELLER PARK REMEDIATION PROJECT
ADOPT, ADVERTISE, AND AWARD CONSTRUCTION CONTRACT
SPECS. 7282; CAPITAL PROJECT NO. 87237
SECOND DISTRICT
(3 VOTES)**

SUBJECT

The recommended actions will adopt plans and specifications; advertise the Helen Keller Park Remediation Project for construction bids; authorize the Director of Public Works, or her designee, to execute a consultant services agreement with the apparent Lowest Responsive and Responsible Bidder for the preparation of a baseline schedule; and delegate the authority to award a construction contract for the Helen Keller Park Remediation Project.

IT IS RECOMMENDED THAT THE BOARD:

1. Adopt the plans and specifications that are on file with the Department of Public Works' Architectural Engineering Division for construction of the Helen Keller Park Remediation Project at an estimated construction contract cost of \$3,136,000.
2. Instruct the Executive Officer of the Board of Supervisors to advertise for bids to be received and opened on October 7, 2014, in accordance with the Instruction Sheet for Publishing Legal Advertisements.
3. Authorize the Director of Public Works, or her designee, to execute a consultant services agreement with the apparent Lowest Responsive and Responsible Bidder to prepare a baseline construction schedule for a \$4,000 not-to-exceed fee funded by existing Project funds, and to

establish the effective date following Board approval.

4. Delegate to the Director of Public Works, or her designee, the authority to reject all nonresponsive bids and determine, in accordance with the applicable contract and bid documents, whether the apparent Lowest Responsive and Responsible Bidder has timely prepared a satisfactory baseline construction schedule that satisfies all conditions for contract award, including the criteria adopted by the Board for contract award. Upon determination that all such conditions have been satisfied, authorize the Director of Public Works, or her designee, to award and execute the construction contract, in the form previously approved by County Counsel, to the apparent Lowest Responsive and Responsible Bidder, and to establish the effective date of the contract upon receipt of acceptable performance and payment bonds and evidence of required contractor insurance, and to take all actions necessary and appropriate to fully deliver the Helen Keller Park Remediation Project.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Approval to adopt plans and specifications, advertise for construction bids, and award a construction contract is recommended to ensure the timely completion of the Helen Keller Park Remediation Project (Project).

Construction of a community building at Helen Keller Park began in June 2012. Shortly after the start of construction, potentially hazardous waste debris materials were discovered in the soil. Construction was immediately suspended and the park was subsequently closed to the public on July 1, 2013 to investigate the nature of the contamination. The park has remained closed to the public during the investigation and design for remediation. Therefore, to expedite the reopening of the park, approval to adopt, advertise, and award to deliver the Project is recommended.

Community Building Project

On July 12, 2011, the Board adopted the Mitigated Negative Declaration (MND); approved the total project budget of \$6,661,000 and an appropriation adjustment; awarded and authorized the Department of Public Works (Public Works) to execute a design-build contract with Soltek Pacific Construction Company to provide design and construction services for a maximum contract sum of \$4,110,200 for the Helen Keller Park Community Building Project (Community Building Project).

Construction of the Community Building Project began in June 2012 and, upon discovery of potentially hazardous waste debris material, was suspended to determine the extent of potential environmental hazards at the site. Public Works selected a Board-approved as-needed environmental services consultant, Ninyo and Moore, to conduct the environmental site investigation.

The investigation, performed between June 2012 and August 2013, revealed the presence of relatively low-levels of inert hazardous materials, including metals and asbestos-containing material. Approximately 75 percent of the park was underlain by waste that stretched beyond the Community Building Project limits. Historical records for the site showed that, prior to County's acquisition of the property and development of Helen Keller Park in the 1950's, private entities owned and operated a waste dump at the Helen Keller Park site until 1947.

On August 29, 2012, Public Works met with the Department of Public Health (Public Health), State South Coast Air Quality Management District and State Regional Water Quality Control Board (RWQCB) to identify environmental jurisdictional approval requirements for the Community Building Project. Public Health and RWQCB allowed the Community Building construction to resume since

the building was outside of the hazardous waste boundaries. As a precaution, Public Health required ongoing methane gas monitoring and alarm systems for the new Community Building and the existing pool building.

On May 6, 2014, the Board approved a revised project scope to Soltek's contract to include minor remediation and allow the Community Building and the north parking lot to be substantially completed by October 2014. Additionally, required groundwater monitoring results indicated that there was no threat to the groundwater and the RWQCB allowed the County to discontinue groundwater monitoring as part of ongoing park improvements and maintenance.

Remediation Project

On May 6, 2014, the Board also, adopted the addendum to the prior Helen Keller Park Mitigated Negative Declaration (Revised MND) and approved the scope of work, project budget, and appropriation adjustment for the Remediation Project.

An approved remediation plan for the balance of the park has been designed and is required for the entire area within the former waste dump boundaries to reduce the risk of park users' contact with the waste and infiltration into the underlying waste. In addition, a methane gas monitoring program is required at the site.

The proposed consultant services agreement requires the apparent Lowest Responsive and Responsible Bidder to prepare a baseline construction schedule that conforms to the County's schedule specifications, which is critical to successfully manage construction activities by both the contractor and the County. Bid documents provide that if the apparent Lowest Responsive and Responsible Bidder fails to complete an acceptable construction schedule, the Director of Public Works, or her designee, may recommend that the bidder be determined nonresponsive and recommend awarding the construction contract to the next apparent Lowest Responsive and Responsible Bidder, contingent on that bidder completing a baseline schedule, schedule of values, and submittal list that conforms to the County's specifications.

It is recommended that the Board authorize the Director of Public Works, or her designee, to award and execute a construction contract to the apparent Lowest Responsive and Responsible Bidder (as defined in the Facts and Provisions/Legal Requirements section of this letter), if the low bid is within the estimate of new construction costs (\$3,136,000) if it exceeds the estimate by no more than 10 percent (\$3,449,600), and contingent on that bidder completing a baseline schedule that conforms to the County's specifications. If there are no bids within \$3,449,600, or the Project cannot be completed within the total Project budget, Public Works will return to the Board with recommendations for alternative scope and/or funding.

It is anticipated that the Project will begin in December 2014 upon execution of the construction contract.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan Directs the provision of the Operational Effectiveness/Fiscal Sustainability (Goal 1), Community Support and Responsiveness (Goal 2), and Integrated Service Delivery (Goal 3), by maximizing the effectiveness of process, structure, and operations to support timely delivery of customer-oriented and efficient public service.

FISCAL IMPACT/FINANCING

On May 6, 2014, the Board approved the total Project budget of \$5,242,000 for the Remediation Project, which includes plans and specifications, plan check, construction, change orders, equipment, consultant services, miscellaneous expenditures, and County services. The Project is funded with \$5,152,000 in net County cost and \$90,000 in Utility Users Tax net County cost.

The Project Schedule and Budget Summary are included in Attachment A.

Operating Budget Impact

Following completion of the Project, Department of Parks and Recreation (Parks) will maintain the new amenities and improvements. Parks anticipates ongoing annual operating costs of \$180,000 for recreation and maintenance staff, utilities, security, custodial supplies, and equipment. Parks will work with the Chief Executive Office (CEO) to determine the appropriate level of funding and request the one-time and ongoing funds in Park's Fiscal Year 2014-15 new facilities budget request.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The contracts will contain terms and conditions supporting the Board's ordinances and policies including, but not limited to: County Code Chapter 2.200, Child Support Compliance Program; County Code Chapter 2.202, Contractor Responsibility and Debarment; County Code Chapter 2.203, Contractor Employee Jury Service Program; County Code Chapter 2.206, Defaulted Property Tax Reduction Program; Board Policy No. 5.050, County's Greater Avenues for Independence (GAIN) and General Relief Opportunities for Work (GROW) programs; Board Policy No. 5.060, Reporting of Improper Solicitations; Board Policy No. 5.110, Contract Language to Assist in Placement of Displaced County Workers; and Board Policy No. 5.135, Notice to Contract Employees of Newborn Abandonment Law (Safely Surrendered Baby Law). The proposed supplemental agreements will be approved as to form by County Counsel.

Applicable law, including the State Public Contract Code, requires the County to award a construction contract to the apparent Lowest Responsive and Responsible Bidder, which refers to the firm that: (1) submits the lowest bid price; (2) is deemed by the County to be "responsive" to specific criteria under the solicitation, including, but not limited to, licensure, bonding, and insurance requirements; and (3) is determined by the County to have demonstrated the quality, fitness, capacity, experience, and trustworthiness to satisfactorily perform the work required under the bid solicitation.

To ensure that the contract is awarded to the apparent Lowest Responsive and Responsible Bidder with a satisfactory history of performance, bidders are required to report violations of the False Claims Act, criminal convictions, civil litigation, defaulted contracts with the County, complaints filed with the contractors State License Board, labor law/payroll violations, and debarment actions. As provided for in Board Policy No. 5.140, the information reported by the bidder will be considered before contract award.

The Remediation Project is exempt from allocating funds to the Civic Art Fund per the Board's Civic Art Policy, adopted on December 7, 2004, and amended on December 15, 2009. The Remediation Project consists primarily of underground remediation work and the additional scope for the exercise equipment is less than the \$500,000 threshold identified in the policy for required civic art fund allocation.

ENVIRONMENTAL DOCUMENTATION

On May 6, 2014, the Board adopted the addendum to the previously adopted MND (State Clearinghouse No. 02011021027) to analyze the environmental impact of amending the Project scope of work to include required environmental site remediation. The addendum indicates that the conditions requiring preparation of a subsequent environmental document have not occurred because the Project scope revisions and the change in circumstances of the Project completion do not involve new significant environmental effects. Site remediation performance standards and specifications have been included in the scope of the revised Project as approved by the regulatory agencies, and mitigation measures have been included for the Project.

Public Works filed a Notice of Determination on May 7, 2014, with the Registrar- Recorder/County Clerk in accordance with Section 21152(a) of the California Public Resources Code Guidelines.

CONTRACTING PROCESS

A standard contract, in the form previously approved by County Counsel, will be used. The standard Board-directed clauses that provide for contract termination, renegotiation, and hiring qualified displaced County employees will be included in the contract.

As required by the Board, language has been incorporated into the Project specifications stating that the contractor shall notify its employees, and shall require each subcontractor to notify its employees that they may be eligible for the Federal Earned Income Credit under the Federal Income Tax Law (Federal Income Tax Law, Internal Revenue Service Notice 1015).

Advertising for bids will be in accordance with the County's standard Instruction Sheet for Publishing Legal Advertisements (Attachment B).

As required by the Board on February 3, 1998, this contract opportunity will be listed on the "Doing Business with Us" website, free of charge. Following receipt of bids and award of the consultant services contract for preparation of a baseline construction schedule to the apparent Lowest Responsive and Responsible Bidder, we will award a construction contract in accordance with the authority delegated in this Board letter. Additionally, the contract will require the contractor to pay its employees applicable prevailing wages in accordance with the California Labor Code.

Participation by Community Business Enterprises (CBE) in the Project is encouraged through Public Works' Capital Projects' CBE Outreach Program and by monitoring the good faith efforts of bidders to utilize CBEs.

A copy of the plans and specifications are on file in the Architectural Engineering Division of Public Works.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

There will be no impact on current County services or projects during the performance of the recommended actions.

CONCLUSION

Please return one adopted copy of this Board letter to the Chief Executive Office, Facilities and Asset Management Division; and the Department of Public Works, Project Management Division II.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "W. T. Fujioka", followed by a small "for" written below it.

WILLIAM T FUJIOKA

Chief Executive Officer

WTF:SHK:DJT

SW:RB:LL:rp

Enclosures

c: Executive Office, Board of Supervisors
County Counsel
Arts Commission
Auditor-Controller
Parks and Recreation
Public Works

September 16, 2014

ATTACHMENT A

**DEPARTMENT OF PUBLIC WORKS:
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SPECS. 7282; CAPITAL PROJECT NO. 87237
(SECOND DISTRICT)
(3 VOTES)**

I. PROJECT SCHEDULE

Project Activity	Scheduled Completion Date	Revised Scheduled Completion Date
Design Construction Documents Jurisdictional Approvals	07/03/2014 07/31/2014	07/15/2014* 08/28/2014*
Construction Bid and Award	10/22/2014	10/22/2014
Construction Substantial Completion Project Acceptance	07/31/2015 09/29/2015	07/31/2015 09/29/2015

*Indicated completed activity

II. PROJECT BUDGET SUMMARY

Category	Project Budget
CONSTRUCTION	
Construction	\$3,136,000
Change Orders	\$ 470,400
Utility Connection Fees	\$ 0
Civic Art	\$ 0
Subtotal	\$3,606,400
EQUIPMENT	\$ 0
PLANS AND SPECIFICATIONS	\$ 275,000
CONSULTANT SERVICES	
Deputy Inspection	\$ 50,000
Hazardous Materials	\$ 220,000
Geotechnical/Soils Test	\$ 50,000
Material Testing	\$ 20,000
Cost Estimating	\$ 10,000
Topographic Surveys	\$ 0
Environmental Services	\$ 150,000
Subtotal	\$ 500,000
MISCELLANEOUS EXPENDITURES	\$ 25,000
JURISDICTIONAL REVIEW	
Building and Safety	\$ 20,000
Fire Department	\$ 5,000
Regional Planning	\$ 5,000
Public Health	\$ 5,000
Environmental Programs	\$ 5,000
Geotechnical and Material Engineering	\$ 10,000
Air Quality Management District	\$ 10,000
Regional Water Board	\$ 10,000
Subtotal	\$ 70,000
COUNTY SERVICES	
Code Compliance and Inspections	\$ 110,300
Contract Administration	\$ 73,000
Project Management	\$ 370,000
Project Technical Support	\$ 64,900
Consultant Contract Recovery	\$ 6,800
Contingency	\$ 70,600
Subtotal	\$ 765,600
TOTAL	\$5,242,000

ATTACHMENT B

**DEPARTMENT OF PUBLIC WORKS:
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PUBLISHING LEGAL ADVERTISEMENTS: In accordance with the State of California Public Contract Code Section 20125, you may publish once a week for two weeks in a weekly newspaper or ten times in a daily newspaper. Forward three reprints of this advertisement to Architectural Engineering Division, Department of Public Works, 900 South Fremont Avenue, 8th Floor, Alhambra, California 91803-1331.

**OFFICIAL NOTICE
INVITING BIDS**

Notice is hereby given that the Director of Public Works will receive sealed bids for furnishings, materials, labor, and equipment required to complete construction for the following work:

<u>SD</u>	<u>SPECS</u>	<u>PROJECT</u>	<u>BID DOC. FEE</u>	<u>DATE OF BID OPENING</u>
2	7282	Helen Keller Remediation Project 1045 West 126 th Street Los Angeles, CA 90044	\$75	10/07/14

Copies of the project manual and drawings may be downloaded for free from the Public Works website <http://dpw.lacounty.gov/general/contracts/opportunities/>; or for \$75 copies of the project manual and drawings may be obtained at the Cashier's office, Department of Public Works, 900 South Fremont Avenue, Mezzanine Floor, Alhambra, California 91803. For bid information, please call (626) 458-2563. Each bid shall be submitted on the required form, sealed, and filed at the Cashier's office no later than 10:45 a.m. on October 7, 2014. Bids will be publicly opened, examined, and declared by Public Works at 11:00 a.m. on this date in Department of Public Works' Architectural Engineering Division's Conference Room, 900 South Fremont Avenue, Alhambra, California 91803.

Bids must conform to the drawings and project manual and all bidding requirements. This Project requires the prime contractor to possess an active B license classification at the time of bid submittal. The contractor should verify to his/her satisfaction that he/she holds the correct license for this type of project.

The contractor and all of its subcontractors of any tier shall be required to pay prevailing wages to all workers employed in the execution of the work of improvement in accordance with Labor Code Section 1770 et seq. Copies of prevailing rate of per diem wages are on file at the Department of Public Works, Architectural Engineering Division, which shall be made available to any interested party upon request.

PRE-BID CONFERENCE

The Public Works' Project Management Team will hold a prebid conference on September 23, 2014, at 10:00 a.m. at the project job site located at 1045 West 126th Street, Los Angeles, CA 90044 to provide information on the project, bidding process, and answer any questions that the potential bidders may have. For further directions, please contact Mr. Mark Martinez with the Public Works' Architectural Engineering Division at (626) 458-2540.

OTHER INSTRUCTIONS

The County supports and encourages equal opportunity contracting. The contractor shall make good faith efforts, as defined in Section 2000 of the Public Contract Code, to contract with Community Business Enterprises.

The Board of Supervisors reserves the right to reject any or all bids or to waive technical or inconsequential errors and discrepancies in bids submitted in the public's interest.

Si necesita información en español, por favor llame al Telefono (626) 458-2563.



Upon 72 hours notice, Public Works can provide program information and publications in alternate formats or make other accommodations for people with disabilities. In addition, program documents are available at our main office in Alhambra (900 South Fremont Avenue), which is accessible to individuals with disabilities. To request accommodations ONLY, or for more ADA information, please contact our departmental ADA Coordinator at (626) 458-4081 or TDD (626) 282-7829, Monday through Thursday, from 7:00 a.m. to 5:30 p.m.



Con 72 horas de noticia, el Departamento puede proveerle información y publicaciones sobre el programa y formatos alternativos o hacer adaptaciones para incapacitados. Además, documentación sobre el programa está disponible en nuestra oficina principal en Alhambra (900 South Fremont Avenue), la cual es accesible para individuos con incapacidades. Para solicitar adaptaciones SOLAMENTE, o para mas información del ADA, pongase en contacto con nuestro Coordinador del ADA del Departamento al (626) 458-4081 o TDD (626) 282-7829, de lunes a jueves de las 7:00 a.m. a 5:30 p.m.

By order of the Board of Supervisors of the County of Los Angeles, State of California dated September 16, 2014.

Specs. 7220

SACHI A. HAMAI, EXECUTIVE OFFICER
OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF LOS ANGELES